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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1965.

No. 1151.

FABERT MOTORS, INC.,
Plaintiff-Petitioner,

v.

FORD MOTOR COMPANY, a Corporation,
Defendant-Respondent.

PETITION FOR REHEARING.

JEAN APPLEMAN,
1355 North Sandburg Terrace,
Chicago, Illinois 60610,
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302 West Hill Street,
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Attorneys for Plaintiff-Petitioner.

St. Louis Law Printing Co., Inc., 415 N. Eighth Street. CEntral 1-4477.

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PETITION FOR REHEARING.

Now comes the plaintiff-petitioner, Fabert Motors, Inc., and respectfully petitions for a rehearing of the denial entered May 16, 1966 of the plaintiff's petition for writ of certiorari.

GROUNDS OF PETITION.

This Court, for the first time, was faced with the construction of the Dealer's Day in Court Act. The purpose of the law is clear. One of the Big Three has found a clever way to circumvent the operation of the law if the result of the Court of Appeals stands.

The automobile dealers of America are entitled to a construction of this statute and to an answer as to what rights, if any, they possess. If a manufacturer says: "Do this, or we'll cancel you," must they answer: "Go ahead and cancel," irrespective of the losses entailed—or will they know that a remedy exists, under this law, if a resignation is compelled by force of economic circumstances and undue pressure? This Court is busy, but not too busy to answer that question or to interpret that statute. The rights of automobile dealers the nation over are as important as the right of a colored gentleman to tap dance for his own entertainment in a restaurant (or tavern) in Louisville.

Respectfully submitted,

FABERT MOTORS, INC., a Corporation,
Plaintiff-Petitioner,

ARTHUR L. PRICE, JR.,
One of such attorneys.

JEAN APPLEMAN,
1355 North Sandburg Terrace,
Chicago, Illinois 60610,
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ARTHUR L. PRICE, JR.,
302 West Hill Street,
Champaign, Illinois 61821,
As attorneys for petitioner.

Certificate of Service.

I hereby certify that a true copy of the foregoing Reply Brief of Petitioner has been served on W. Donald McSweeney and William A. Montgomery, Attorneys at Law,

231 South La Salle, Chicago, Illinois, this 17 day of May, 1966, by air mail.

Arthur L. Price, Jr.

Arthur L. Price, Jr., being first on oath duly sworn, deposes and says that he is one of the attorneys for the petitioner; that the petition is restricted to the grounds above presented in combination with those heretofore presented; that this petition is presented in good faith and not for purposes of delay.

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(Seal)

Subscribed and sworn to me this 17th day of May, 1966. I am duly authorized under the laws of the State of Missouri to administer oaths.

.....

Notary Public within and for the
City of St. Louis, Missouri.